

REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed March 7, 2005. Claims 1-30 are pending in this Application. Claims 1-7, 11, 12, 15-21 and 25-30 stand rejected under 35 U.S.C. §102(e) and Claims 8-10, 13, 14 and 22-24 stand rejected under 35 U.S.C. § 103. Applicants have amended Claims 1, 11, 15, 20-23, 25 and 29 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-7, 11-12, 15-21, 25-28 and 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,246 issued to Robert A. Dolan ("Dolan").

Dolan discloses a telecommunications system for the control of telephone calls by use of personal computer software via the Internet. The system may display the status of an incoming call through a control panel. (See Figure 2 and corresponding text at Col. 3, Lines 21-23). A client using the system may determine how to handle a received call by choosing from various options. (Col. 4, Lines 17-22).

Claims 1 and 11, as amended, recite a method comprising the step of "receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device."

Claims 15 and 25, as amended, recite a computer program product capable of "receiv[ing], by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device."

Claim 29, as amended, recites a system capable of "receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service

actions displayed to the mediation subscriber by the mediation subscriber communication device.”

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants’ invention. Dolan fails to teach a method for facilitating mediated virtual communication comprising “receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device,” as recited by amended Claims 1 and 11. Dolan also fails to disclose or suggest a computer program product capable of enabling a mediation system to “receive, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device,” as recited by amended Claims 15 and 25. Dolan further fails to teach a system for facilitating mediated virtual communication comprising a mediation capable of “receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service action selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device,” as recited by amended Claim 29.

In the Final Office Action, the Examiner states that Dolan teaches

receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service selected by a mediation subscriber from a plurality of services displayed to the mediation subscriber by the mediation subscriber communication device (col. 3 lines 17-29, “The control panel of FIG. 2 . . . record the audible signal”, *Examiner interprets that the mediation system is Server 29 is receiving [sic] a selection of service from a user control panel.*

(Final Office Action, Page 3) (emphasis in original). Dolan, however, does not disclose receiving a service selection that identifies a service action selected by a mediation subscriber as recited by Applicants’ invention. Instead, Dolan merely discloses allowing a client to select options for handling an incoming call. (Col. 4, Lines 19-22). For example, the client, using the command center as illustrated in FIGURE 2, may select to monitor, connect or

transfer the incoming call. (Col. 3, Lines 21-23 and FIGURE 2). Dolan fails to teach “receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a *service action* selected by a mediation subscriber from a plurality of service actions displayed to the mediation subscriber by the mediation subscriber communication device,” as recited by Claims 1, 11, 15, 25 and 29. (emphasis added). The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1, 11, 15, 25 and 29.

Given that Claims 2-7 depend from Claim 1, Claim 12 depends from Claim 11, Claims 16-21 depend from Claim 15, Claims 26-28 depend from Claim 25 and Claim 30 depends from Claim 29, Applicants respectfully submit that Claims 2-7, 12, 16-21, 26-28 and 30 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-7, 11, 12, 15-21, 25-28 and 30.

Rejections under 35 U.S.C. §103

Claims 8-10, 13-14 and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dolan in view of U.S. Patent No. 5,933,778 issued to Michael Buhrmann (“Buhrmann”).

Claims 8-10 depend from and provide further patentable limitations to allowable Claim 1, Claims 13 and 14 depend from and provide further patentable limitations to allowable Claim 11 and Claims 22-24 depend from and provide further patentable limitations to allowable Claim 15. Accordingly, Applicants respectfully request that the Examiner reconsider, withdraw the rejection and allow Claims 8-10, 13, 14 and 22-24.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-30 as amended.

The Commissioner is hereby authorized to charge \$395.00 for the RCE filing fee to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants


Paula D. Heyman
Reg. No. 48,363

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2581
512.322.8328 (fax)

Date: May 9, 2005